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81044950/201-0905
(FGT 1697 PA)**REMARKS**

In the Official Action, claim 17 was objected to for a minor informality. Claim 17 has been amended and therefore placed in an allowable condition.

Regarding the merits, claims 1-7, 9, and 18-20 were rejected under 35 U.S.C. § 102(b) as being anticipated by the Boudah patent (U.S. No. 5,143,415). In addition, claims 1-7 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Boudah patent in view of the Burns patent (U.S. No. 3,734,110). Claims 10-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Boudah patent in view of the Ingram patent (U.S. No. 5,423,587). Moreover, claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the Boudah patent and the Burns patent and further in view of the Eck patent (U.S. No. 2,608,420) and the Aftanas patent (U.S. No. 6,056,176). Also, claim 17 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the Boudah patent and the Ingram patent and further in view of the Eck patent and the Aftanas patent. The Applicants respectfully traverse these rejections in view of the reasons provided below.

The § 102(b) Rejections:

The Boudah patent is directed to a rack positioned only over a truck bed (as best shown in Figure 1). Conversely, the claimed rack assembly includes both a truck bed section and a roof rack section, which is mounted to a vehicle roof. In fact, as stated in the Action (p.2, ¶1; p.3, ¶5), the Boudah patent does not disclose the claimed invention having a front pair of legs attached to the vehicle roof. For this reason alone, it is respectfully submitted that the claimed invention is novel and allowable.

Also, in the Boudah patent, the rack therein extends across a substantial portion of the truck bed when the rack is moved to its most retracted and compact configuration. For this reason, the rack obstructs use of the truck bed so long as the rack is mounted to the vehicle. Accordingly, one object of the Boudah patent (col. 1, lines 31-40) is to provide the rack having a construction that can be easily disassembled for storage in the truck. On the other hand, the claimed rack assembly is movable to the retracted position, which provides unobstructed use of the truck bed. Thus, the claimed invention has a versatile construction for storing cargo of various shapes and sizes.

The § 103(a) Claim Rejections:**The Boudah Patent In View Of The Burns Patent:**

In the Burns patent, the rack therein has been relied upon for teaching the claimed invention having the roof rack section attached to the vehicle roof. However, with reference to Figure 1, it will be appreciated that the Burns patent discloses the rack utilized over the bed of the vehicle instead of the roof.

Specifically, in the Burns patent, the rack therein is comprised of tubular members 31, 32, 33, 48 that extend across the truck bed. These tubular members 21, 32, 33, 48 comprise a framework, in accordance with the plain meaning of the term "rack." As shown in Figure 1, this framework has a front end portion mounted to the rear corners of the vehicle roof with the framework extending rearward therefrom over the truck bed. In this regard, the framework does not extend over the vehicle roof and is not utilized for storing cargo thereon. It will therefore be appreciated that the Burns framework or rack cannot be relied upon for teaching the claimed roof rack section. Thus, even if the proposed combination were made, this combination would still not teach the claimed invention.

In addition, in the Burns patent, the rack assembly therein is not movable to a retracted position for providing unobstructed use of the truck bed. In particular, similar to the Boudah patent, an object of the Burns patent (col. 1, lines 8-10) is to provide a rack that can be disassembled after use. In that way, the rack can provide unobstructed use of a truck bed. Accordingly, still assuming that the proposed combination were made, this combination would not teach the claimed invention movable to the retracted position for providing unobstructed use of the truck bed.

The Boudah Patent In View Of The Ingram Patent:

In rejecting claims 10 through 16, the Ingram patent has been relied upon for teaching the claimed arched cover. However, even if the Boudah patent and the Ingram patent were combined as proposed, this combination would still not teach or suggest the claimed invention having a roof rack section attached to the vehicle roof. Furthermore, this combination would not teach the rack movable to a retracted position, which provides unobstructed use of the truck bed. At least for these reasons, claims 10 through 16 are nonobvious and allowable.

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The Boudah Patent And The Burns Patent In View Of The Eck Patent And The Aftanas Patent:

In the Action, no motivation has been provided for making the proposed combination of the four cited references. Accordingly, it is submitted that prima facie obviousness has not been established.

Even if the decidedly piecemeal combination of the four cited references were made as proposed, it is respectfully submitted that this combination would still not teach or suggest the claimed invention, which is movable to a retracted position for providing unobstructed use of the truck bed. Furthermore, the proposed combination would also not disclose the roof rack section attached to the vehicle roof with the truck bed section telescopically coupled to the roof rack section. For at least these reasons, claim 8 is nonobvious and allowable.

The Boudah Patent And The Ingram Patent In View Of The Eck Patent And The Aftanas Patent:

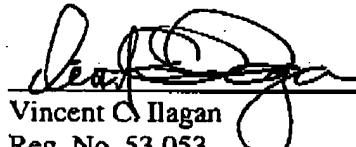
The Applicants submit that claim 17 is nonobvious and allowable at least for the same reasons provided in support of claim 8.

Conclusion:

In view of the foregoing, it is submitted that all of the claims remaining in the case, namely claims 1-20, are in proper form and patentably distinguish from the prior art. Accordingly, allowance of the claims and passage of the application to issuance are respectfully solicited.

Respectfully submitted,

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